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**Response Under 37 C.F.R. § 1.116
Expedited Procedure
Examining Group 2137**

**PATENT
ATTORNEY DOCKET: 46970-5131**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Tomo WATANABE et al.)	Confirmation No.: 5982
)	
Application No.: 10/025,809)	Group Art Unit: 2137
)	
Filed: December 26, 2001)	Examiner: Michael J. Pyzocha
)	
For: DATA PROCESSING APPARATUS,)	
A DATA PROCESSING METHOD, A)	
DATA RECORDING MEDIUM ON)	
WHICH DATA PROCESSING)	
PROGRAM THAT IS READABLE)	
BY A COMPUTER ARE RECORDED,)	
AND A RECORDING MEDIUM)	

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window, Mail Stop AF
Alexandria, VA 22314

Sir:

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is a Response to the Final Office Action dated July 5, 2007.
2. Additional papers enclosed:

- | | |
|--------------------------|--|
| <input type="checkbox"/> | Drawings: ___ Informal ___ Formal |
| <input type="checkbox"/> | Information Disclosure Statement |
| <input type="checkbox"/> | Form PTO-1449 |
| <input type="checkbox"/> | Citations |
| <input type="checkbox"/> | Declaration of Biological Deposit |
| <input type="checkbox"/> | Submission of "Sequence Listing", computer readable copy and/or amendment
pertaining thereto for biotechnology invention containing nucleotide and/or amino
acid sequence. |

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

Extension of time fee due with this request: \$_____

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for _____ months has already been secured and the fee paid therefor of _____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS						
	Claims Currently Pending		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	25	minus	25	0	x \$50 each =	+ \$0.00
Independent Claims (37 C.F.R. §1.16(b))	8	minus	8	0	x \$200 each =	+ \$0.00
[] First presentation of Multiple dependent claim(s)					\$360.00	+ \$0.00
SUB-TOTAL =						\$0.00
Reduction by ½ for filing by a small entity						- \$0.00
TOTAL FEE =						\$0.00

6. Fee Payment

- ☒ No fee is to be paid at this time.
- ☐ Enclosed is a check in the amount of \$_____ for a one-month extension of time fee.
- ☐ The Commissioner is hereby authorized to charge _____ to Deposit Account No. 50-0573 for the _____ fee.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0573.

Respectfully submitted,

DRINKER, BIDDLE & REATH LLPBy: 

Joseph J. Buczynski

Registration No. 35,084

Dated: September 26, 2007

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RESPONSE

In response to the final Office Action dated July 5, 2007, reconsideration and withdrawal of the outstanding rejections are respectfully requested in light of the following: